

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING DIVISION**

**DIANA MEY,**

**Plaintiff,**

**Civil Action No. 5:25-CV-00137  
Honorable John Preston Bailey**

**v.**

**FEX QUOTES, LLC,  
ADAM BARKOW, and  
JOHN DOE,**

**Defendants.**

**DEFENDANTS FEX QUOTES, INC. AND ADAM BARKOW'S  
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants FEX Quotes, Inc.<sup>1</sup> and Adam Barkow (“Defendants”), by counsel, request that this Court enter an Order dismissing Plaintiff’s Complaint. As demonstrated in Defendants’ Memorandum in support filed contemporaneously herewith and hereby fully incorporated herein, Plaintiff, Diana Mey’s claims for violations of Violations of the Telephone Consumer Protection Act (“TCPA”) and the West Virginia Consumer Credit and Protection Act (“WVCCPA”) fail to state a claim upon which relief may be granted.

Accordingly, Defendants request this Court **GRANT** their motion and **ORDER** that of Plaintiff’s Complaint be **DISMISSED WITH PREJUDICE**.

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<sup>1</sup> Improperly named in the Complaint as Fex Quotes, LLC.

DATED: August 26, 2025.

***FEX QUOTES, INC. and ADAM BARKOW,***  
By Counsel,

*/s/Katherine R. Herrmann*

William D. Wilmoth (WV Bar # 4075)

Katherine R. Herrmann (WV Bar# 14067)

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of August 2025, I filed the foregoing *Defendants FEX Quotes, Inc. and Adam Barkow's Motion to Dismiss Plaintiff's Complaint* with the Clerk of Court via the CM/ECF system, and by placing a true and accurate copy in the U.S. mail to the below address, which will effect service upon the following:

Diana Mey  
14 Applewood Drive  
Wheeling, WV 26003

/s/Katherine R. Herrmann  
Katherine R. Herrmann (WV Bar # 14067)